



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 15983646

Date: JULY 20, 2021

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Advanced Degree, Exceptional Ability, National Interest Waiver)

The Petitioner seeks second preference immigrant classification, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Nebraska Service Center denied the petition, concluding that the Petitioner had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The Petitioner filed a subsequent motion to reopen and motion to reconsider. The Director determined that the Petitioner had not demonstrated “eligibility for the requested benefit” or “that the decision was incorrect based on the evidence of record at the time of the initial decision.” The matter is now before us on appeal,

While we conduct *de novo* review, we conclude that a remand is warranted in this case because the Director’s decision is insufficient for review.

Although we may agree with the Director’s ultimate conclusions, we also agree with the Petitioner that the Director “failed to address the new arguments raised by the Appellant” and “did not discuss the new evidence submitted.” *See* 8 C.F.R. § 103.3(a)(1)(i) (requiring in writing specific reasons for denial of an application or petition); *see generally Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that a decision must fully explain the reasons for denying a motion allow the respondent a meaningful opportunity to challenge the determination on appeal).

In these proceedings, it is the petitioner’s burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

ORDER: The matter is remanded for the entry of a new decision, which, if adverse, shall be certified to us for review.